

**CITY COUNCIL  
AGENDA REPORT**

**SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA AMENDING SECTION 2.04.040 OF CHAPTER 2.04 OF THE CALEXICO MUNICIPAL CODE RELATED TO CITY COUNCIL MEETINGS THAT WOULD FALL ON A HOLIDAY**

**AGENDA DATE:** August 4, 2009

**PREPARED BY:** Jennifer Lyon, City Attorney

**RECOMMENDATION:** Adopt the second reading of the ordinance by title only and waive full reading of the ordinance and adopting ordinance.

**BACKGROUND INFORMATION:** Section 2.04.040 of the Municipal Code states that whenever a regular meeting of the city council falls on a holiday or the date of a municipal election the meeting shall held on the next day. There is currently no provision addressing the scheduling of a special meeting on a holiday or on a date where a municipal election is held. On July 21, 2009 the City Council introduced and conducted the first reading of this proposed ordinance.

**DISCUSSION:** The proposed ordinance would amend Section 2.04.040 of the Municipal Code to also prohibit special meetings from occurring on the same day as a holiday or municipal election. This ordinance would also create an exception to these prohibitions for the protection public health, safety, or welfare and upon the approval of the Mayor, Mayor Pro Tem, and City Manager

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO,  
CALIFORNIA AMENDING SECTION 2.04.040 OF CHAPTER 2.04 OF THE  
CALEXICO MUNICIPAL CODE RELATED TO CITY COUNCIL MEETINGS THAT  
WOULD FALL ON A HOLIDAY**

**WHEREAS**, Section 2.04.040 of the Municipal Code states that whenever a regular meeting of the city council falls on a holiday or the date of a municipal election the meeting shall held on the next day;

**WHEREAS**, this ordinance would amend this section to additionally prohibit special meetings from occurring on the same day as a holiday or municipal election; and

**WHEREAS**, the ordinance would create an exception to these prohibitions for the protection public health, safety, or welfare and upon the approval of the Mayor, Mayor Pro Tem, and City Manager.

**NOW, THEREFORE**, the City Council of the City of Calexico does hereby ordain as follows:

**SECTION ONE:**

That Title 2, Chapter 2.04, Section 2.04.040 of the Municipal Code is hereby amended as follows:

**“2.04.040 Time and Place of Meetings.**

A. Unless otherwise specified by resolution, the city council must hold regular meetings on the first and third Tuesday of each month at an hour to be set by resolution. Regular meetings will be held in the council chambers at Calexico City Hall, located at 608 Heber Avenue, Calexico, California or at another place within the City limits, if noticed in the agenda.

B. Special meetings may be called at any time by the mayor or by a majority of the members of the city council by delivering personally or by mail written notice to each councilmember and to each local newspaper of general circulation, radio or television station requesting notice at least twenty-four hours before the time of such meeting as specified in the notice and by posting, at least twenty-four hours prior to the special meeting in a location that is freely accessible to members of the public.

1. The call and notice shall specify the time and place of the special meeting and the business to be transacted.

2. No other business shall be considered at such meetings.

3. Such written notice may be dispensed with as to any councilmember who, at or prior to the time the meeting convenes, files with the city clerk a written waiver of notice.

4. Such waiver may be given by telegram.

5. Such written notice may also be dispensed with as to any councilmember who is actually present at the meeting at the time it convenes.

C. No regular or special meeting of the city council may be held on a state or locally recognized holiday or upon a date set for a regular or special municipal election of the city unless such a meeting is for the immediate protection of public health, safety or welfare and only with the consent of the mayor, mayor pro tem, and city manager. Whenever a regular meeting of the city council is not held because the meeting would fall upon a state or locally recognized holiday, or upon a date set for a regular or special municipal election of the city, said regular meeting shall be held upon the first business day thereafter which is not a legal holiday."

## **SECTION TWO:**

This ordinance was introduced on July 21, 2009, and adopted on August 4, 2009 and shall become effective 30 days after the dated of adoption.

## **SECTION THREE:**

The City Clerk is directed to prepare and have published a summary of this ordinance no less than five days prior to the consideration of its adoption and again 15 days following adoption indicating votes cast.

PASSED AND ADOPTED this 4th day of August, 2009 by the following vote, to wit.

AYES:

NOES:

ABSENT:

ABSTAIN:

---

David Ouzan, Mayor  
City of Calexico, California

**ATTEST AND CERTIFICATION**

I hereby certify that this is a true and correct copy of Ordinance No. \_\_\_\_\_, which has been published pursuant to law.

\_\_\_\_\_  
Lourdes Cordova, City Clerk